



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Am

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/661,499 | 09/14/2000 | Juergen Stark | 2150/21 | 8756 |

7590 05/24/2005
Baniak Pine & Gannon
150 N. Wacker, Suite 1200
Chicago, IL 60606

EXAMINER

BRUCKART, BENJAMIN R

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2155

DATE MAILED: 05/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/661,499

Applicant(s)

STARK ET AL.

Examiner

Benjamin R. Bruckart

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-37, 66-71 and 77-84 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-37, 66-71 and 77-84 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Detailed Action

Claims 32-37, 66-71, 77-84 are pending in this Office Action.

The 35 U.S.C. 112, second paragraph rejection is withdrawn in light of applicant's amendment.

Election/Restrictions

Applicant is reminded that upon the cancellation of claims to a non-elected invention.

Claims 1-31, 38-65, 72-76 MUST be canceled.

Response to Arguments

Applicant's arguments filed 4/6/05 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 32-37, 66-67, 70-71, 77-82, 84 are rejected under 35 U.S.C. 102(e) as being anticipated by 6,836,792 by Chen.

Regarding claim 32, a communications platform that enables individual users to receive electronic messages from corporations and others comprising a nickname-based routing system (Chen: col. 4, lines 1-25), said nickname-based routing system comprising logic for:

receiving an electronic message (Chen: col. 6, lines 54-58);

Art Unit: 2155

parsing the electronic message to determine a designation for a user (Chen: col. 6, lines 63-65);
parsing the electronic message to determine a nickname of an endpoint designated in the electronic message (Chen: col. 6, line 53 and lines 65- col. 7, lines 10), the nickname of the endpoint being distinct from the designation for the user (Chen: col. 6, line 52);
accessing a database to determine an address and type of an endpoint designated in the electronic message (Chen: col. 7, lines 5-25);
formatting at least a portion of the electronic message based on the determined type of endpoint (Chen: col. 7, lines 34-57); and
sending at least a portion of the formatted message to the determined address of the endpoint (Chen: col. 7, lines 36-37, 17-18).

Regarding claim 33, the communications platform in claim 32, wherein said endpoint comprises an electronic mail box, a wired or wireless telephone, a facsimile machine, a paging device, or a personal digital assistant (Chen: col. 7, lines 16-29).

Regarding claim 34, the communications platform in claim 33, wherein said nickname-based routing system comprises at least one address containing a nickname (Chen: col. 6, lines 50-52).

Regarding claim 35, the communications platform in claim 34, wherein said nickname comprises information pertaining to said receiver's name and endpoint (Chen: col. 6, lines 63-65).

Regarding claim 36, the communications platform in claim 35, wherein said nickname further comprises information pertaining to said endpoint (Chen: col. 6, lines 53, lines 65- col. 7, line 25).

Regarding claim 37, the communications platform in claim 36, wherein said information pertaining to said endpoint comprises a telephone number, a facsimile number, a pager number, an electronic address or a resident address (Chen: col. 6, lines 65- col. 7, line 29).

Regarding claim 66, the communications platform in claim 32, wherein the electronic message is addressed to the communications platform (Chen: col. 6, lines 65- col. 7, lines 15).

Regarding claim 67, the communications platform in claim 32, wherein the designation for the user comprises a user's name (Chen: col. 6, line 50-52; the ABC and lines col. 1, line 21-25).

Regarding claim 70, the communications platform in claim 32, wherein determining a type of endpoint to route the electronic message to is further based on the designation for the user (Chen: col. 7, lines 11-15).

Regarding claim 71, the communications platform in claim 32, wherein determining an address of the endpoint comprises accessing the database to determine the address of the endpoint based on the nickname and based on the designation for the user (Chen: col. 7, lines 11-15).

Regarding claim 77, the communications platform in claim 32, wherein the nickname for the endpoint is selected from a plurality of nicknames (Chen: col. 7, lines 24-29).

Regarding claim 78, the communications platform in claim 77, wherein the designation for the user is non-changeable for a specific user and wherein the nickname for the endpoint is changeable depending on the endpoint selected (Chen: col. 1, lines 21-25; the user name associated with the user profile cant change but the domain may col. 7, lines 25-39).

Regarding claim 79, the communications platform in claim 78, wherein format for the electronic message comprises the designation of the user, a connector, the nickname, and the address of the communications platform (Chen: col. 6, lines 52-54; username @ domain . services name . com).

Regarding claim 80, a communications platform that enables users to receive electronic messages from corporations and others comprising a nickname-based routing system (Chen: col. 4, lines 1-25), said nickname-based routing system comprising logic for:

- receiving an electronic message addressed to the communications platform with fields for a nickname of an endpoint and an address of the endpoint (Chen: col. 6, lines 54-58);

- parsing the electronic message to determine the nickname of the endpoint designated in the electronic message (Chen: col. 6, lines 63-65);

- parsing the electronic message for the address of the endpoint designated in the electronic message (Chen: col. 6, line 53 and lines 65- col. 7, lines 10);

- accessing a database to determine type of the endpoint to route the electronic message to based on the nickname (Chen: col. 7, lines 5-25);

- formatting at least a portion of the electronic message based on the determined type of endpoint (Chen: col. 7, lines 34-57); and

- sending at least a portion of the formatted message to the determined address of the endpoint (Chen: col. 7, lines 36-37, 17-18).

Regarding claim 81, the communications platform in claim 80, wherein the address of the communications platform comprises an internet address (Chen: col. 6, line 52).

Regarding claim 82, the communications platform in 81, wherein the address of the communications platform comprises a .com address (Chen: col. 6, line 52).

Regarding claim 84, the communications platform in claim 80, where in the electronic message comprises a field for a designation of a user (Chen: col. 6, lines 53 and lines 65- col. 7, line 10); and

- further comprising parsing the electronic message to determine the designation for a user (Chen: col. 6, lines 53 and lines 65- col. 7, line 10); and

- wherein sending at least a portion of the formatted message to the determined address of the endpoint comprises sending at least a portion of the formatted message to the determined address of the endpoint on behalf of the determined designation of the user (Chen: col. 7, lines 25-57).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 68-69, 83 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,836,792 by Chen in view of U.S. Patent No 5,742,763 by Jones.

Regarding claim 68,

- The Chen reference teaches the communications platform in claim 32.

- The Chen reference does not explicitly state the nickname is a phone or fax but does teach that the message can be formatted for fax or paging (Chen: col. 7, lines 12-25).

The Jones reference teaches a nickname is selected from the group consisting of phone and fax (Jones: col. 6, lines 43-49; col. 5, lines 18-22; 38-43).

The Jones reference further teaches the invention overcomes prior art problems by providing a flexible message delivery system using a distinct cyber-presence identity for a user (Jones: col. 2, lines 27-30, 56-66; col. 1, lines 39-44).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the nickname routing communications platform as taught by Chen while employing a nickname as a telephone as taught by Jones in order to allow flexible message delivery system using distinct cyber-presence identity for users (Jones: col. 2, lines 27-30, 56-66; col. 1, lines 39-44).

Claim 69 is rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Jones and Chen.

Regarding claim 69, the communications platform in claim 32, wherein the nickname was previous designated by the user (Jones: col. 4, lines 25-29, lines 52-54; registered by entity).

Regarding claim 83,

The Chen reference teaches the communications platform in claim 81.

The Chen reference does not explicitly state the nickname is a phone or fax but does teach that the message can be formatted for fax or paging (Chen: col. 7, lines 12-25).

The Jones reference teaches an address of the endpoint comprises a telephone number (Jones: col. 6, lines 43-49; col. 5, lines 18-22; 38-43).

The Jones reference further teaches the invention overcomes prior art problems by providing a flexible message delivery system using a distinct cyber-presence identity for a user (Jones: col. 2, lines 27-30, 56-66; col. 1, lines 39-44).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the nickname routing communications platform as taught by Chen while employing a nickname as a telephone as taught by Jones in order to allow flexible message delivery system using distinct cyber-presence identity for users (Jones: col. 2, lines 27-30, 56-66; col. 1, lines 39-44).

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U. S. Patent No. 6,438,583 issued to McDowell et al teaches a system of rerouting messages based on data determines from the originating email address and lookup.

U. S. Patent No. 6,442,591 by Haynes et al teaches automatic mail address maintenance with group and individual email aliases.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

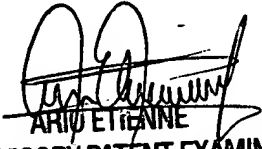
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R. Bruckart whose telephone number is (571) 272-3982. The examiner can normally be reached on 8:00-5:30PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin R Bruckart
Examiner
Art Unit 2155
brb

BRB


ARIU ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100